

REMARKS/ARGUMENTS**Request For Notice Of Allowance Of Claims 7, 8 And 11 Prior To Applicants
Filing An Appeal Brief**

The Examiner continues to reject Applicants' claims in view of the "gist" of the invention and using improper hindsight reconstruction. This is blatantly clear based on the numerous claim limitations that have been improperly ignored with respect to the rejection of independent claim 7. Claim 7 recites "a process of heating a fuel cell stack during relatively cold start-up conditions." The rejection never addresses cold start-up conditions and does not address the problem facing the inventors of how to start up a cold fuel cell stack. Claim 7 recites "directing the cooling fluid through a condenser wherein the condenser fans are turned off." The rejection never discusses condenser fans nor does the rejection discuss under what circumstances condenser fans should be turned off, if at all. Claim 7 recites "repeating steps (a-f) until the temperature of the fuel cell stack has reached a predetermined temperature suitable for operating fuel cell under post start-up operating conditions." The rejection never addresses which steps should be repeated nor does the rejection address under what circumstances or condition precedence should the steps being repeated be stopped. In one embodiment of Applicants' invention, steps (a-f) are repeated until the temperature of the fuel cell stack has reached a predetermined temperature and thereafter steps (a-f) are not repeated. For example, in one embodiment of Applicants' invention after the fuel cell stack has reached a predetermined temperature, the fans in the condenser may be turned on. However, while the fuel cell stack is heating up, the condenser fans are turned off so that no heat is removed from the cooling fluid.

After the fuel cell stack has reached a predetermined temperature, the fans are turned on to remove heat from the cooling fluid and thereby cool the fuel cell stack.

Because numerous limitations in independent claim 7 have been improperly ignored, the rejection fails to establish a prima facie case of anticipation or obviousness. The Examiner's rejection is fatally defective.

Applicants respectfully request Notice of Allowance of independent claim 7 and dependent claims 8 and 11.

With respect to the rejection of claim 1, Applicants reserve the right to argue the merits of patentability of claim 1 and dependent claims 2 and 10 on Appeal.

Respectfully submitted,



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